

FIFTEENTH DAY
(Tuesday, February 5, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Absent-excused: Sarpalius, Washington.

A quorum was announced present.

Senator John Traeger offered the invocation as follows:

Heavenly Father, thank You for this day. Help us to be worthy of it. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Washington was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Sarpalius was granted leave of absence for today on account of important business on motion of Senator Brown.

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

S.C.R. 34

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 213

S.B. 210

C.S.S.B. 42

C.S.S.B. 125

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 255

S.B. 201 (Amended)

C.S.S.B. 227

C.S.S.B. 195

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 343 by Glasgow

Criminal Justice

Relating to the penalty group classification of amphetamine and its salts, optical isomers, and salts of its optical isomers under the Texas Controlled Substances Act.

- S.B. 344** by Glasgow Jurisprudence
Relating to a presumption in civil actions concerning the cost and necessity of services.
- S.B. 345** by Glasgow Intergovernmental Relations
Relating to the application of the Professional Prosecutors Act to certain prosecuting attorneys.
- S.B. 346** by Glasgow Criminal Justice
Relating to the definition of abusable glue or aerosol paint under the Texas Controlled Substances Act.
- S.B. 347** by Henderson State Affairs
Relating to the authority of the Department of Public Safety to adopt rules regarding the operation of certain motor vehicles on public highways; providing a penalty.
- S.B. 348** by Henderson Economic Development
Relating to pooling certain related employer units of a multiple employer trust into subgroups for ratemaking purposes.
- S.B. 349** by Henderson Economic Development
Relating to certain compensation for officers of life insurance companies.
- S.B. 350** by Sharp Intergovernmental Relations
Relating to the issuance of bonds, including the issuance of bonds in book-entry form, by or on behalf of governmental entities.
- S.B. 351** by Traeger Health and Human Resources
Relating to changing the name of the Texas Department of Human Resources to the Texas Department of Human Services.
- S.B. 352** by Mauzy Jurisprudence
Relating to costs adjudged against the personal representative of an estate or guardianship for neglect or breach of a statutory or fiduciary duty.
- S.B. 353** by Harris State Affairs
Relating to the requirement of a license plate on the front of a motor vehicle.
- S.B. 354** by Glasgow Criminal Justice
Relating to authorizing the court of criminal appeals to promulgate rules of procedure in appeals of criminal cases.
- S.B. 355** by Glasgow Criminal Justice
Relating to authorizing the court of criminal appeals to promulgate rules of evidence in the trials of criminal cases.
- S.B. 356** by Williams Intergovernmental Relations
Relating to residency requirements for the employees of a city or town.
- S.B. 357** by Brown, McFarland, Caperton Criminal Justice
Relating to the admissibility of evidence seized pursuant to a governmental action.
- S.B. 358** by Brown Health and Human Resources
Relating to the authority of the Texas Department of Human Resources or the Texas Department of Health to investigate an employee or prospective employee of a child-care facility, nursing home, or custodial care home, and to the offense of unauthorized disclosure of criminal records; providing a penalty.
- S.B. 359** by Lyon Jurisprudence
Relating to the availability of the defense of family relationship in a prosecution of the offense of harboring a runaway child.

S.C.R. 37 by Parmer Administration
Supporting the development of the Silver-Haired Legislature to initiate and debate policy alternatives to deal with problems of older Texans.

S.C.R. 39 by Harris Finance
Directing all state agencies to implement a program to eventually replace paper towels with electric hand dryers.

S.C.R. 40 by Harris Finance
Directing all state agencies to use the United States Postal Service's nine-digit zip code when feasible.

CO-AUTHORS OF SENATE BILL 106

On motion of Senator Henderson and by unanimous consent, Senators Brown and Williams will be shown as Co-authors of **S.B. 106**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Austin, Texas
January 31, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Mark White, Governor of the State of Texas, submit the following emergency matters for immediate consideration by the Sixty-Ninth Legislature, now convened:

H.B. 442 by Rudd, Amending Art. 4348, R.C.S., relating to reports required from entities to which the Legislature appropriates money.

S.B. 306 by Jones, relating to reports required from entities to which the Legislature appropriates money.

S.B. 306 is a companion bill to **H.B. 442**.

Respectfully submitted,

/s/Mark White
Governor of Texas

SENATE BILL 209 ON SECOND READING

On motion of Senator Sharp and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 209, Relating to the continuation, duties, and operations of the office of Rio Grande Compact Commissioner of Texas.

The bill was read second time and was passed to engrossment.

SENATE BILL 209 ON THIRD READING

Senator Sharp moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 209** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Sarpalius, Washington.

The bill was read third time and was passed.

SENATE BILL 131 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 131, Relating to appointment of a master for certain district courts in Dallas County.

The bill was read second time and was passed to engrossment.

SENATE BILL 131 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 131** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Sarpalius, Washington.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 133 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 133, Relating to the composition of a city planning commission.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 133 ON THIRD READING

Senator Henderson moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 133** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Sarpalius, Washington.

The bill was read third time and was passed.

SENATE BILL 198 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 198, Relating to the availability of special license plates for the surviving spouses of former prisoners of war.

The bill was read second time and was passed to engrossment.

SENATE BILL 198 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 198** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Sarpalius, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Jones.

Absent-excused: Sarpalius, Washington.

MEMORIAL RESOLUTIONS

S.R. 82 - By Montford: Memorial resolution for Hugh M. Anderson.

S.R. 83 - By Montford: Memorial resolution for Dr. H. Eugene Brown.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 79 - By Sharp: Extending welcome to Dr. F. L. Merian, Capitol Physician for the Day.

S.R. 81 - By Farabee: Expressing appreciation to District Judge Wayland G. Holt.

S.R. 84 - By Brooks: Extending congratulations to Chief Maurice A. Harr.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:21 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

**In Memory
of
Carl Wheatley**

Senator Farabee offered the following resolution:

(Senate Resolution 80)

WHEREAS, The State of Texas mourns the loss of former State Representative Carl Wheatley who died August 6, 1984; and

WHEREAS, A native Texan, Representative Wheatley was born May 7, 1911, in Glen Rose; and

WHEREAS, A respected oil lease broker and realtor in Haskell, Representative Wheatley was noted for his utmost honesty and integrity; and

WHEREAS, A concerned and active member of his community, Representative Wheatley had served on the Haskell School Board and was a former president of Haskell Chamber of Commerce; and

WHEREAS, A sincere and dedicated Christian layman, Representative Wheatley was a member of the First Baptist Church; and

WHEREAS, During his tenure in the State Legislature, Representative Wheatley served his constituency loyally and ably; and

WHEREAS, He filled the years allotted him with a devoted service to his family, friends, community, and state being at all times ready and willing to help his fellowman; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 69th Legislature, hereby extend condolences to the members of his family: his wife, Allene Mae Free Wheatley; his three sons, Keith, Jerry, and Bobby; his three sisters, Ruby Robertson, Laura Mae Whitaker, and Freida Littlefield; his eight grandchildren; his three stepgrandchildren; and his three great-grandchildren; and, be it further

RESOLVED, That copies of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in his memory.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.